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10037	7590	11/03/2008	EXAMINER	
MILDE & HOFFBERG, LLP			LANDRUM, EDWARD F	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/528,400	Applicant(s) SIEKE ET AL.
	Examiner Edward F. Landrum	Art Unit 3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10/14/2008.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 34,36-38,40,46-49,56 and 58-63 is/are pending in the application.

4a) Of the above claim(s) 58-63 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 34,36-38,40,46-49 and 56 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

Claim Objections

1. Claim 34 is objected to because of the following informalities: The phrase depth of cut means: "The thickness of material removed by one pass of the cutting tool" (<http://www.toolingu.com/definition-300130-12597-depth-of-cut.html>). The cutting unit of the instant invention will always remove the same thickness of material no matter where it is positioned vertically. Examiner recommends something to the effect of: "means for measuring the height of the wiper blade, whereby a desired vertical distance of the cutting unit from the first wiper blade guide may be set prior to cutting". Appropriate correction is required.
2. Examiner would also like to point out that in the future if claim 34 was found to be allowable claim 58 would be objected to for claiming the measuring device a second time, and for calling the height of the cutting unit the cutting depth.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 40 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 40 recites the limitation "said means for setting the position of the cutting unit" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 34, 36-38, 46, 48, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Wessels (German Patent no 29806561.7) in view of Meitzel (German Patent No. 3510738), and in further view of Murdock (U.S Patent No. 5,027,515).

Wessels teaches (see Figures 1-3) a device capable of trimming windshield wiper blades having a basic body with a longitudinal passage (See Figure 1). Two longitudinal webs formed in a facing relationship on opposite sides of the longitudinal passage form a first guide (generally 3). A cutting unit (1, 2, and 4) is adjustably mounted in the body and comprises a cutting blade (1) positioned normal to the direction of movement of a wiper blade and normal to a cutting direction. A second guide (4 and 2) is located in proximity to the cutting blade and is capable of guiding a wiper blade. The second guide tapers in a direction of movement of the material being cut (6) from a large width to a width that sufficiently supports and guides the lip of the wiper blade during cutting, although the width of this supportive portion of the second guide is not fixed. Figures 2 and 3 show the second guide has a depth (distance between 2 and top of 4) capable of covering a portion of a lip of a wiper blade to be cut. The second guide expands into a discharge passage after the blade. Means (the two

posts and springs shown in Figures 2 and 3) are provided for adjusting the cutting unit with respect to the first guide. A locking means (5) is provided to lock the cutting unit into place.

Wessels teaches all of the elements of the current invention as stated above except the second guide having a fixed width channel disposed in the cutting plane, a play free connection between a spindle and an adjusting wheel, and means for measuring the depth of cut.

Meitzel teaches (see Figures 1-3) that it is old and well known to provide a fixed with guide channel (center of 3) within a cutting plane of a cutting tool (circular cutter within member 3) to support and guide two sides of a wiper blade during cutting. Meitzel also teaches providing an adjusting wheel and a spindle (4), which interact in a play-free manner, for the purpose of adjusting the vertical position of the cutting unit (3).

It would have been obvious to have modified Wessels to incorporate the teachings of Meitzel to provide the second guide with a fixed width channel. Providing a fixed width channel would reduce bending and twisting in the lip of the wiper blade and insure the lip was properly aligned with the cutting blade thereby allowing for a straighter and cleaner cut. Providing a play-free adjustment means comprising a spindle and a adjusting wheel would allow a user to more accurately adjust the vertical height of the cutting unit.

Murdock teaches (see Figures 1 and 3) it is old and well known in the cutting art to provide a means to measure the depth of cut (indicator markings) of a cutting unit

with respect to a work piece that is fed through a longitudinal passage in the cutting device.

It would have been obvious to have modified Wessels to incorporate the teachings of Murdock to provide measuring means to allow a user to accurately position the cutting unit with respect to the height of the work piece to be trimmed, thereby decreasing the time it took a user to set up the device to trim work pieces having different heights.

7. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified device of Wessels in view of Tarpill et al (U.S Patent No. 6,581,291), hereinafter Tarpill

The modified device of Wessels teaches all of the elements of the current invention as stated above except the adjusting wheel being mounted in a recess of the body.

Tarpill teaches (see Figure 5) it is old and well known to place a thumb wheel (52) in the recess of the housing.

It would have been obvious to have modified the modified device of Wessels to incorporate the teachings of Tarpill place the thumb wheel in a recess of the housing. Doing so would aid in preventing the thumb wheel from being moved accidentally during the cutting process thereby making it so a user would not as often have to re-cut a wiper blade due to changes in the cutting height of the cutting blade.

8. Claims 47 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified device of Wessels, as stated in Section 6, in view of Diebold (German Patent No. 4110799).

Wessels teaches all of the elements of the current invention as stated above except curving the first wiper blade guide and the entrance to the longitudinal passage.

Diebold teaches (see Figure 2) curving the entrance to the longitudinal passage as well as curving the first wiper blade guide in the longitudinal direction as the curves (19) are in the longitudinal direction of the cutting unit.

It would have been obvious to have modified Wessels to incorporate the teachings of Diebold to curve both the entrance to the passage as well as first guide as doing so would allow a user to more easily place the wiper blade into the wiper blade guide thereby making the cutting process more efficient.

Response to Arguments

9. Applicant's arguments with respect to claims 34, 36-38, 40, 46-49, and 56 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Freeland (U.S Patent No. 5,848,471), Plana (U.S Patent No. 4,693,004), Nguyen (U.S Patent No. 5,044,081), Samuelsson (U.S Patent No. 4,604,802), Faggioto (U.S Publication No. 2001/0034919), Ducret (U.S Patent No. 5,809,652), Danter et al (U.S Patent No. 5,381,601), Matthews (U.S Patent No. 2,013,893), Belling (U.S Patent No.

6,611,571), Fabian (U.S Patent No. 3,886,657), and Carney et al (U.S Patent No. 5,285,577) teach elements of the current invention.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. F. L./
Examiner, Art Unit 3724
10/27/2008

/Boyer D. Ashley/
Supervisory Patent Examiner, Art Unit 3724